

REMARKS

This paper is presented in response to the Office Action. Claims 1-35 were canceled in a previous paper. Claims 36-51 remain pending.

Reconsideration of the application is respectfully requested in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

Applicant notes that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicants, of additional or alternative distinctions between the claims of the present application and any references cited by the Examiner, and/or the merits of additional or alternative arguments.

II. Claim Rejections Under 35 U.S.C. § 102(b)

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *Manual of Patent Examining Procedure ("MPEP") § 2131.*

The Office Action rejected claims 36-51 under 35 U.S.C. § 102(e) as being anticipated by US 6,571,191 to York et al. ("York"). Applicant respectfully disagrees.

a. claim 36

In general, the rejection of claim 36 fails, in a number of instances, to specifically identify elements in *York* that are purported to correspond with those recited in the claims.

For example, the Examiner has alleged that *York* discloses “performing a procedure on a component so as to generate calibration data concerning the component (‘191, col. 4, line 57).” *Emphasis added.* The sentence that begins at the cited line states “In certain embodiments, this recalibration occurs through the use of a recalibration or upload tool 15.” *Emphasis added.* Thus, it appears that the Examiner may be of the view that the aforementioned “recalibration” corresponds with the “procedure” recited in the claims. However, the Examiner has not stated as much. The aforementioned allegation of the Examiner is unclear for other reasons as well. Particularly, the Examiner has not identified what element(s) of *York* the Examiner believes to constitute the “component” in connection with which the “procedure” is purportedly performed. Finally, the Examiner has not identified what element(s) of *York* the Examiner believes to constitute the “calibration data.”

As another example, the Examiner has alleged that *York* discloses “transmitting the calibration data to an external storage source over a distributed network (‘191, fig. 1 depicts network, and fig. 6, ref. 36) ...” *Emphasis added.* As to this allegation, Applicant notes that the Examiner has not identified what element(s) of *York* the Examiner believes to constitute the “external storage source.” Moreover, Applicant notes that Figure 6 of *York* does not include reference numeral 36.

In a final example, the Examiner has alleged that *York* discloses “informing an operator of a calibrating device of the error detected in the calibration data (‘191, col. 10, line 10).” *Emphasis added.* However, the Examiner has failed to identify which element(s) of *York* the Examiner believes to constitute the “operator” and the “calibrating device.” Moreover, the line of column 10 of *York* referred to by the Examiner, namely, line 10, does not refer to any particular entity as informing, or being informed, with regard to an error in calibration data. Particularly, the sentence beginning at line 10 states nothing more than that “Depending upon the outcome of the evaluation of step 86, is it determined whether the data is corrupt or not in conditional step 88.”

b. claim 45

Similar to the case of the rejection of claim 36, the rejection of claim 45 fails, in a number of instances, to specifically identify elements in *York* that are purported to correspond with those recited in the claims.

For example, the Examiner has alleged that *York* discloses “receiving, over a distributed network, calibration data from one or more calibrating devices (‘191, fig. 6, ref. 36, information received by ref.

15) ...” *Emphasis added.* As to this allegation, Applicant notes that the Examiner has not identified what element(s) of *York* the Examiner believes to constitute the “calibrating devices” or the “calibration data.” Moreover, Applicant notes that Figure 6 of *York* does not include reference numeral 36.

As a further example, the Examiner has alleged that *York* discloses “storing the calibration data received from the one or more calibrating devices ... in a standard format” (‘191, col. 6, line 18) ...” *Emphasis added.* As to this allegation, Applicant notes that the cited passage of *York* does not make any reference to data storage formats, much less the claimed “standard format.”

c. claim 48

As in the case of the rejection of claims 36 and 45, the rejection of claim 48 fails, in a number of instances, to specifically identify elements in *York* that are purported to correspond with those recited in the claims.

For example, the Examiner has alleged that *York* discloses “accessing calibration data stored in the storage source ...” (‘191, fig. 6, ref. 82).” *Emphasis added.* Reference 82 of Figure 6 of *York* recites “Retrieve req. info. from E.C.M.” Thus, it appears that the Examiner may be of the view that the “E.C.M. [17]” of *York* corresponds with the “storage source” recited in the claims. However, the Examiner has not stated as much. As well, the Examiner has not identified what element(s) of *York* the Examiner believes to constitute the “calibration data.”

As a final example, the Examiner has alleged that *York* discloses “transmitting a message to the calibrating device” (‘191, col. 10, line 23) ...” *Emphasis added.* As to this allegation, Applicant notes that the Examiner has not identified what element(s) of *York* the Examiner believes to constitute the “calibrating devices.” The sentence beginning at col. 10, line 23 of *York* provides “If the error cannot be corrected, the program flows to step 92 in which the corrupted data can be nulled and/or an error message issued to alert the fleet manager to the problem.” Thus, it appears that the Examiner may be of the view that the “fleet manager [12]” of *York* corresponds with the “calibrating device” recited in the claims. However, the Examiner has not stated as much.

d. conclusion

As to the non-exhaustive list of examples set forth above, Applicant notes that “... In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.” 37 CFR 1.104. *Emphasis added.* Moreover, “[t]he goal of examination is to clearly articulate any rejection early in the

prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” *MPEP § 706*.

With these considerations in view, Applicant notes that in some instances, the Examiner has provided relatively more specific information concerning the view of the Examiner with respect to *York*. By way of example, the Examiner has clarified with respect to “receiving a message over the distributed network ...” that “information received by ref. 15.” Applicant respectfully requests that the Examiner provide similar clarification in connection with the examples set forth herein, and in connection with any other instances where clarification is required in order to advance prosecution of this case.

In light of the foregoing, Applicant respectfully submits that the Examiner has failed to establish that *York* anticipates claims 36-51, at least because the Examiner has not established that each and every element as set forth in claims 36-51 is found in *York*, because the Examiner has not established that the identical invention is shown in *York* in as complete detail as is contained in claims 36-51, and because the Examiner has not established that *York* discloses the elements arranged as required by claims 36-51. Applicant thus respectfully submits that the rejection of claims 36-51.

CONCLUSION

In view of the remarks submitted herein, Applicants respectfully submit that each of the pending claims 36-51 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 2nd day of October, 2006.

Respectfully submitted,



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